UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,621	02/25/2000	Harlan Sexton	50277-258	7347

7590   07/27/2005

ATTEN: STEPHEN C. CARLSON
DITTTHAVONG & CARLSON, P.C.
10507 BRADDOCK RD
SUITE A
FAIRFAX, VA 22032

EXAMINER
HO, ANDY

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/512,621	SEXTON ET AL.
	Examiner	Art Unit	
	Andy Ho	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *04 May 2005* .
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-6,8-15 and 17-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-6,8-15 and 17-23* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. In view of the appeal brief filed on 5/4/2005, PROSECUTION IS HEREBY

REOPENED. Responsive to Applicant's arguments, new grounds of rejection are set

forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied

by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130,

1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-6, 8-15, 17-23 have been examined and are pending in the

application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 8-15, 17-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over O'Donnell U.S Patent No. 6,480,877 in view of Schofield U.S Patent

No. 6,308,225.

As to claim 1, O'Donnell teaches a method comprising

accessing a definition of an object (proc, line 31 of code table columns 5-6) in

terms of a composition of one or more primitive types (int exclude(proc), line 31 of code

table columns 5-6);

accessing a platform-specific description of size (sizeof(struct pst_dynamic), line

26 of code table columns 7-8) of the one or more primitive types (int exclude(proc), line

31 of code table columns 5-6); and

generating a layout (struct pst_status *proc, line 32 of code table columns 5-6)

for the object (proc, line 31 of code table columns 5-6) in a high-order language (C

programming language, lines 9-10 column 6) based on the definition of the object (int

exclude(proc), line 31 of code table columns 5-6) and the size (sizeof(struct

pst_dynamic), line 26 of code table columns 7-8) of the one or more primitive types (int

exclude(proc), line 31 of code table columns 5-6).

O'Donnell does not explitcitly teach a run-time environment. However,

O'Donnell's invention is about identifying active processes to determine whether they

are orphan processes or not; based on the determination, the orphan processes would

be terminated and the computer system resources would be released for other

processes (lines 38-41 and 50-60 column 2). Therefore one of ordinary skill in the art

would conclude that the computer environment of O'Donnell is a run-time environment.

O'Donnell further does not explicitly teach accessing a platform-specific description of alignment of the primitive type. Schofield teaches a system of generating a layout for a data structure (lines 48-65 column 3) wherein the layout is based on accessing a platform-specific description of alignment of the primitive type (...the prep pointer holds the prepared CIN description of the parameter as generated by the PCU_PREPARE function. The PCU_PREPARE function is used to prepare individual data types based upon a CIN description of the data type. The PCU_PREPARE function is called by the GLU_INTERFACE_PREPARE function. The alignment is the required alignment of the parameter (e.g., 1, 2, 4, or 8 bytes)..., lines 11-18 column 10; ...the request structure is packed by the GLU function using a function from a run-time library. The function, PCU_PACK, packs an individual data structure. PCU_PACK converts a CIN description of a particular data structure to an array whose elements include the type, offset, alignment, and size of the data structure. Alignment padding bytes are removed and data structures are packed based upon the client computer's method of alignment, thus allowing the server application to "make it right" if necessary. Both the client and the server computer have access to the specific alignment rules..., lines 29-41 column 11). It would have been obvious to apply the teachings of Schofield to the system of O'Donnell because by accessing a platform-specific description of alignment of the primitive type, the system could generate transport-independent data structure as disclosed by Schofield (lines 48-65 column 3).

As to claim 2, O'Donnell as modified further teaches generating instructions for an accessor operation (pstat_getdynamic (&pd, sizeof(struct pst_dynamic), 1, 0), line 26

of code table columns 7-8) to access a slot in the object (proc, line 31 of code table

columns 5-6) holding a value for one of the one or more primitive types (int

exclude(proc), line 31 of code table columns 5-6).

As to claim 3, O'Donnell as modified further teaches generating instructions for

a get operation (pstat_getproc(ps,sizeof(struct pst_status),nproc,0), line 29 of code

table columns 7-8) to fetch a value for one of the one or more primitive types (int

exclude(proc), line 31 of code table columns 5-6) from a slot in the object (proc, line 31

of code table columns 5-6).

As to claim 4, O'Donnell as modified further teaches generating instructions for

a set operation (ps = (struct pst_status *)(malloc(sizeof(struct pst_status) * nproc)), line

28 of code table columns 7-8) to store a value for one of the one or more primitive types

(int exclude(proc), line 31 of code table columns 5-6) from a slot in the object (proc, line

31 of code table columns 5-6).

As to claim 5, O'Donnell as modified further teaches the one or more primitive

types include integer type (int, line 31 of code table columns 5-6).

As to claim 6, O'Donnell as modified further teaches the primitive reference type

is a native machine pointer type (pointer ps, line 28 of code table columns 7-8).

As to claim 8, it is a method claim of claim 1. Therefore, it is rejected for the

same reasons as claim 1 above. O'Donnell as modified further teaches incompatible

platforms (sizeof and struct, line 26 of code table columns 7-8).

As to claim 9, O'Donnell as modified further teaches the slots are located in the

layouts for the incompatible platforms (pw and ps, lines 12 and 28 of code table

columns 7-8), when compiled by a corresponding platform-specific compiler (compiler, line 8 column 10), at same offsets (line 64 column 9 to line 12 column 10).

As to claims 10-15 and 17-18, they are computer readable medium claims of claims 1-6 and 8-9, respectively. Therefore, they are rejected for the same reasons as claims 1-6 and 8-9 above.

As to claim 19, it is a method claim of claim 8. Therefore, it is rejected for the same reasons as claim 8 above. O'Donnell as modified further teaches primitive types have sizes (parameter size, line 12 column 9) and padding element (number of bytes of the structure pst_status, lines 66-67 column 9).

As to claim 20, it is a computer readable medium claim of claim 19. Therefore, it is rejected for the same reasons as claim 19 above.

As to claim 21, it is a computer readable medium claim of claims 8-9 and 19. Therefore, it is rejected for the same reasons as claims 8-9 and 19 above.

As to claim 22, O'Donnell as modified further teaches the sizes of the primitive type (parameter size, lines 9-27 column 9).

As to claim 23, Schofield further teaches the alignment restrictions for the primitive type (lines 29-41 column 11).

Response to Arguments

4. Applicant's arguments filed 5/4/2005 have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or' Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 571-272-

2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.

- OFFICAL faxes must be signed and sent to (571) 273 - 8300.

- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

A.H
July 25, 2005

SUE LAO
PRIMARY EXAMINER